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1<sup>st</sup> METROPOLITAN MORTGAGE

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CHICAGO TITLE INSURANCE  
COMPANY,

Plaintiff,

vs.

PEARL DWEK, JOSEPH KOHEN,  
EMPIRE EQUITY GROUP, INC. d/b/a 1<sup>ST</sup>  
METROPOLITAN MORTGAGE,  
JEROME SHAPIRO, JOHN DOE  
ENTITIES 1-X, and JOHN DOES 1-X,

Defendants,

and

EMPIRE EQUITY GROUP, INC. d/b/a 1<sup>st</sup>  
METROPOLITAN MORTGAGE,

Cross-Claimant and  
Third-Party Plaintiff,

vs.

PEARL DWEK, JOSEPH KOHEN,  
JEROME SHAPIRO, and JOHN DOE  
ENTITIES 1-X, and JOHN DOES 1-X

Cross-Defendants and  
Doe Third-Party  
Defendants.

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United States District Court  
District of New Jersey

Civil Action  
3:08-cv-04502-MLC-JJH

**NOTICE OF MOTION BY  
EMPIRE EQUITY GROUP, INC.,  
TO FILE A RESPONSIVE PLEADING  
OUT OF TIME**

[Return Date: April 6, 2009]

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 6(b)(1)(B), on the basis of the Certification of James M. Farrell, Esq., and Memorandum of Law submitted in support hereof, defendant Empire Equity Group, Inc., will move this Court on April 6, 2009 at 10:00 a.m., for an order granting leave to file its Answer, Affirmative Defenses, Answer to Cross-Claim, Cross-Claim, and Third-Party Complaint out of time. A proposed Order is submitted herewith.

FARRELL & THURMAN, PC  
*Attorneys for Empire Equity Group,  
Inc.*

/s/ JAMES M. FARRELL, ESQ.

March 13, 2009